

EDUCATION DEPARTMENT[281]

Adopted and Filed

**Rule making related to funding for children residing in
state institutions or mental health institutes**

The State Board of Education hereby amends Chapter 34, “Funding for Children Residing in State Institutions or Mental Health Institutes,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 256.7(27).

State or Federal Law Implemented

This rule making implements, in whole or in part, 2019 Iowa Acts, House File 421.

Purpose and Summary

These technical amendments remove obsolete references to the Iowa Juvenile Home, as required by 2019 Iowa Acts, House File 421.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on August 26, 2020, as **ARC 5150C**. A public hearing was held on September 15, 2020, at 2:00 p.m. in the ICN Room, Second Floor, Grimes State Office Building, Des Moines, Iowa, with an option to participate by video conference. No one attended the public hearing. The Department of Education received one written comment referring to the rule making, which stated no objection to the proposed rule. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the State Board on November 18, 2020.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

By statute, no waiver is possible or permitted.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on January 20, 2021.

The following rule-making actions are adopted:

ITEM 1. Amend rule 281—34.1(218) as follows:

281—34.1(218) Scope. These rules apply to the funding and provision of appropriate educational services to children residing in the following institutions under the jurisdiction of the director of human services: the Mental Health Institute, Cherokee, Iowa; the Mental Health Institute, Independence, Iowa; and the State Training School, Eldora, Iowa; ~~and the Iowa Juvenile Home, Toledo, Iowa.~~

ITEM 2. Amend rule **281—34.2(218)**, definition of “Institution,” as follows:

“*Institution*” means the Mental Health Institute, Cherokee, Iowa; the Mental Health Institute, Independence, Iowa; and the State Training School, Eldora, Iowa; ~~and the Iowa Juvenile Home, Toledo, Iowa.~~

ITEM 3. Amend subrule 34.4(2) as follows:

34.4(2) *Students served at the State Training School at Eldora ~~and the Iowa Juvenile Home at Toledo~~.* The State Training School at Eldora ~~and the Iowa Juvenile Home at Toledo~~ shall notify the AEA in which the institution is located and the district of residence of each child who on the date specified in Iowa Code section 257.6, subsection 1, is residing in ~~these institutions~~ the institution if the child’s release date is known and the release date is within the current school year. The notification shall occur on or before October 10. For students served pursuant to an IEP, the State Training School at Eldora ~~and the Iowa Juvenile Home at Toledo~~ shall by the last Friday in October also notify the AEA in which the institution is located and the district of residence of each child residing in ~~these institutions~~ the institution if the child’s release date is known and the release date is within the current school year. Notifications shall be in writing or in a printable electronic medium and shall include the child’s name, birth date, and grade level and the names and addresses of the child’s parents or guardians.

ITEM 4. Amend paragraph **34.6(3)“d”** as follows:

d. The State Training School at Eldora ~~and the Iowa Juvenile Home at Toledo~~ may include in ~~their budgets~~ its budget an amount that represents the difference between the amount established pursuant to Iowa Code (2003) section 282.28 and approved by the department for the 2003-2004 fiscal year included in the fiscal year beginning July 1, 2003, and the amount ~~each~~ the institution has budgeted under paragraph 34.6(3) “c.” The budget amount shall increase annually by the allowable growth rate established for that year.

[Filed 11/18/20, effective 1/20/21]

[Published 12/16/20]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 12/16/20.